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Book Review

TILL DEATH US DO PART. BY VINCENT BUGLIOSI WITH KEN HURWITZ. W. W. NORTON & COMPANY, INC., 1978. PP. 384. \$10.95. BANTAM BOOKS, INC., 1979. PP. 403. \$2.75.

Till Death Us Do Part is a book which should be on the shelf of every lawyer and law student, especially those interested in the criminal justice system and trial work. Mr. Bugliosi, the former prosecutor for the Los Angeles District Attorney's Office who received national recognition for his prosecution and conviction of Charles Manson,¹ has written a fast-moving tale which would go down as an outstanding work of fiction — if it were not true.²

The book is the story of a double murder, with the two crimes committed some time apart by two young people who will stop at nothing to obtain "the good life" — including the murder of their spouses for insurance proceeds. Part I of the book begins on December 11, 1966, when a young Los Angeles native named Henry Stockton is mysteriously murdered in his home, continues through a description of the second killing on April 20, 1968, of Judy Palliko, a young, newly-married woman, and ends with the arrests of the suspects, Sandra Stockton and Allan Palliko. In between, Mr. Bugliosi does an admirable job of introducing the reader to the main characters: Judy Palliko and Henry Stockton, the victims; and Allan Palliko and Sandra Stockton, their spouses and suspected murderers.³

Additionally, the author brings his readers into the police investigation itself and begins a process of educating his audience in

1. V. BUGLIOSI & C. GENTRY, *HELTHER SKELTER* (1974).

2. The author himself alludes to the case's storybook quality when he mentions how more spectators lined up to see the eventual trial proceedings than did for the trial of Sirhan B. Sirhan who was on trial at the same time for the assassination of Robert F. Kennedy. In Bugliosi's own words, "[t]he reason for the spectator attention in our case was simple: it had all the ingredients of a fictional murder mystery — only it was true." V. BUGLIOSI & K. HURWITZ, *TILL DEATH US DO PART*, 155 (Bantam ed. 1979) [hereinafter *TILL DEATH US DO PART*].

3. Sandra Stockton was charged and tried for only the murder of her husband, Henry; while Alan Palliko was tried for the murders of both Henry Stockton and Judy Palliko, as well as the attempted murder of his first wife, Katherine.

the daily realities of criminal investigation. Such observations as "[p]olice work is long, unglamorous days sitting at a government-grey metal desk, dialing numbers until the fingers are sore,"⁴ may come as a surprise to someone programmed otherwise by modern television shows, but to the author they are simple truths with which he has become deeply familiar.

It is Part II of the story which will be of primary interest to lawyers and law students. This part begins with Bugliosi's assignment as prosecutor, continues through the grand jury and trial proceedings, and ends with a description of the penalty phase of the trial. Bugliosi freely admits to the reader that because of the completely circumstantial nature of the case, "[n]ever before or since as a criminal lawyer have I been involved in a case that raised so many disturbing doubts as to what had actually happened."⁵ Indeed, the reader learns that to overcome such problems, Bugliosi was eventually forced to call 83 witnesses during more than two months of prosecution testimony to prove his case.⁶

Much of the merit of *Till Death Us Do Part* comes from the care which the author takes to describe legal or scientific terms which are not immediately familiar to all readers. Early on, Bugliosi introduces to the reader the process of "lifting" latent fingerprints, and later explains such terms as "ejector marks" and "extractor marks." For the layperson, Bugliosi takes pains to explain the difference between direct evidence and circumstantial evidence, recognizing that such an explanation is essential to understand the problems of the prosecution at the trial. But for the reader interested in trial proceedings, the main benefit of *Till Death Us Do Part* is the personal insight offered by Bugliosi about trial work and the life of a district attorney.

Soon after Part II begins it is easy to discover why the author has so successful a record.⁷ According to him, "style is only a small part of trying a case. Much more important is *thoroughness* — infinite, yes, exquisite preparation for which I almost have an obsession."⁸ The reader learns that this "obsession" for preparation eventually led Bugliosi to put in over 400 hours of overtime work, coordinating the investigation of both murders

4. *TILL DEATH US DO PART* at 16.

5. *TILL DEATH US DO PART*, Forward.

6. For further discussion concerning the problems of a prosecution relying solely on circumstantial evidence see Reagan & Smith, *No Reasonable Theory of Innocence: A Strategy for Circumstantial Evidence*, 2 *TRIAL DIPLOMACY* J. 21-26 (1979).

7. In his eight years as a prosecutor for the Los Angeles District Attorney's office, Mr. Bugliosi tried approximately one thousand felony and misdemeanor cases. Out of one hundred and six felony jury trials, he obtained convictions in all but one. *TILL DEATH US DO PART* at 404.

8. *TILL DEATH US DO PART* at 156.

down to the smallest detail. He even personally obtained a warrant to search one of the defendant's apartments, because of the fear that delay would have allowed personal friends to remove evidence.

Besides his observations on preparation, Bugliosi's comments on various aspects of a trial should be found helpful by every lawyer.⁹ Next to preparation, he believes an effective summation is the most important part of trial work — so important that, in his words, it is not “uncommon for me to prepare at least half of my argument before the first witness at a trial has even been called. As soon as I learn the strengths and weaknesses of my case, I begin almost immediately to work on how I am going to argue these strengths and what I am going to say in response to defense attacks on the weaknesses.”¹⁰

Bugliosi makes several observations about other aspects of a trial and gives frequent helpful examples as illustrations. He criticizes the notion that the outward appearance of jurors and their answers to questions will let the lawyer know whether they will be favorable or not to his client. Instead, he argues that “a juror will rarely admit he is ‘prejudiced’ against *anything*. Phrases like ‘lean towards,’ ‘preference for,’ or even ‘like’ or ‘dislike’ have to be employed in related but indirect questions to expose the bias.”¹¹ Likewise he comments that “[u]nlike their fictional counterparts in novels and on the screen who cave in under the pressure of the third good question, real witnesses exhibit a remarkable doughiness.”¹²

One of the most enjoyable and instructive parts of *Till Death Us Do Part* for the law-trained person will be chapter 12, the bulk of which contains excerpts from Bugliosi's closing argument. Indeed this chapter should probably be read more than once by any serious student of trial work; the first time for pure enjoyment and thereafter to study the author's use of analogy, demonstrative evidence and rhetorical style.¹³

At various points in the book, the author's feelings about the personal decisions facing prosecutors and his comments on various aspects of the criminal justice system add much to the story. While most people will expect to hear Bugliosi defend the death penalty,

9. See Bugliosi, *Tactics and Techniques in Handling each Phase of a Criminal Trial*, 2 TRIAL DIPLOMACY J. 24-35 (1979).

10. *TILL DEATH US DO PART* at 171.

11. *Id.* at 187 Similar views and suggestions are offered in McElhaney, *Trial Notebook*; *Von Dire*, 5 LITIGATION (1070).

12. *TILL DEATH US DO PART* at 257.

13. Bugliosi's analogies should be especially interesting to prosecutors. He compares the defense to an octopus darkening the water with an inky fluid in order to “escape into the darkness.” *TILL DEATH US DO PART* at 338-39. He also compares the threads of circumstantial evidence to a rope which becomes stronger each time a new strand is added. *Id.* at 340.

many will be surprised to hear him tell how Sandra Stockton would hug her mother each day before the jury was brought in and ask how her son, Kyle, was. In Bugliosi's words, "[o]ne of the most difficult parts of being a prosecutor is, without a doubt, witnessing the suffering that a defendant's family must go through. It is the one part of the job I never quite learned to live with."¹⁴

Bugliosi also uses many excerpts from actual testimony to tell the story of the trial itself. Besides making informative reading for lawyers, the style adds a touch of realism and authenticity that all readers will appreciate. Whether the reader is looking for a realistic, inside view into an actual criminal investigation and prosecution or just a good story, *Till Death Us Do Part* is well worth reading.

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14. *TILL DEATH US DO PART* at 185-86.

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